



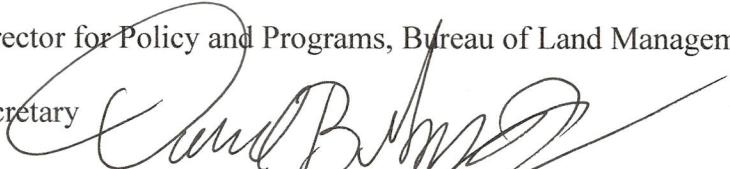
THE DEPUTY SECRETARY OF THE INTERIOR

WASHINGTON

AUG 17 2018

Memorandum

To: Deputy Director for Policy and Programs, Bureau of Land Management

From: Deputy Secretary 

Subject: Draft Resource Management Plans and Environmental Impact Statement
for the Grand Staircase-Escalante National Monument and for Federal Lands
Excluded from the Monument by Proclamation 9682

As the Secretary has made clear throughout his tenure, the Department of the Interior is opposed to the wholesale sale or transfer of public lands to States or private interests. This is acutely the case where such lands were previously designated within a national monument.

Earlier this week, the Bureau of Land Management (BLM) released Draft Resource Management Plans and an Environmental Impact Statement (Draft) for the Grand Staircase-Escalante National Monument (GSENM) and for Federal lands previously included in the GSENM. That Draft identifies a range of alternatives that allows for disposal of Federal lands under the Federal Land Policy and Management Act, as amended (FLPMA).

Because the current Draft is inconsistent with Departmental policy, I am directing BLM to modify the Draft so that it does not include any preferred alternative that identifies Federal lands for possible disposal under FLPMA. The failure to capture this inconsistency stops with me.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

JUL 23 2018

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices
NEPA Practitioners

From: Deputy Secretary 

Subject: Reporting Costs Associated with Developing Environmental Impact Statements

Purpose

This memorandum provides guidance to yield greater transparency by capturing the estimated costs to develop and produce EIS documents prepared by the Department's Bureaus and Offices when serving as the lead Agency.¹ A standard description of cost estimates will assist Bureaus in determining how to appropriately focus resources, diagnose problems, find opportunities to improve project planning, and be used to meet the Agency Performance Accountability System requirements established under Executive Order 13807.

Scope

This memorandum applies to all proposed actions for which the Department, including any of its Bureaus or Offices, is the lead Agency and has published a Notice of Intent (NOI) to prepare an EIS. For purposes of this memorandum, "environmental review costs" include the lead Agency's personnel, contractors, or other direct costs associated with project authorization and NEPA compliance, but do not include the estimated costs incurred by cooperating Agencies.² "Environmental review costs" also include the lead Agency's costs associated with complying with laws other than NEPA, such as the Endangered Species Act or the National Historic Preservation Act, that are necessary for the lead Agency to authorize the proposed action evaluated by the EIS.

Directive

Upon the effective date of this memorandum, all Bureau or Office-led Draft, Supplemental, and Final EISs shall display the estimated environmental review costs associated with developing and producing the EIS, to that point in the NEPA process, on the EIS cover page according to the following guidance:

¹ 40 CFR 1508.16.

² 40 CFR 1501.6.

I. Cost Tracking and Reporting Guidance

1. For ongoing proposed actions, lead Bureaus or Offices shall make a good faith estimate of past incurred environmental review costs;
2. To facilitate an estimate, each lead Bureau or Office shall begin tracking environmental review costs once it has determined that it will prepare an EIS to evaluate a proposed action;³ and
3. Each lead Bureau or Office shall continue to track environmental review costs until it issues a final decision on the proposed action evaluated by the EIS.

II. Developing a Cost Estimate

1. Lead Bureaus and Offices shall track the costs of their full-time equivalent (FTE) personnel hours, contractor costs, and other direct costs related to the proposed action and associated environmental review.
2. Lead Bureau and Office FTE hours should include an estimate of the cost of time spent by:
 - a. the project management team responsible for the proposed action;
 - b. subject matter experts who participate in a portion of the review;
 - c. managers or supervisors who have delegated responsibility over or direct oversight of the proposed action and EIS; and
 - d. attorneys who review documents pertaining to the proposed action.
3. Contractor costs should include:
 - a. the direct costs associated with a lead Bureau or Office employing a contractor to develop an EIS or other environmental reviews;
 - b. any additional contractor costs; and
 - c. any additional third-party costs that were necessary to complete the EIS or other environmental reviews that were not directly billed to the contractor.

III. Calculating Time and Costs

1. Lead Bureaus or Offices shall calculate a proposed action's environmental review costs by totaling the lead Agency's direct and contractor costs and rounding that number to the nearest thousand-dollar figure.⁴ Department financial and administrative systems

³ Costs include those incurred pre-application and pre-Notice of Intent (NOI) to assist the applicant in submitting a complete application and to assist in issuing an effective NOI and EIS.

⁴ For example, if environmental review costs for a Draft EIS total \$456,678.09, then the number displayed prominently on the cover page of the Draft EIS should be \$457,000.

may be used to track such costs.⁵

2. Lead Bureaus and Offices may calculate **FTE costs** by estimating, or by reporting tracking system data, the amount of applicable staff time spent on an environmental review and multiply those hours by the Bureau or Office's average hourly rate.

$$\text{FTE Costs} = \text{Total estimated FTE hours} \times \text{Average FTE Hourly Rate}$$

3. Lead Bureau, Office, and applicant-funded **contractor costs** of producing or reviewing an EIS and other environmental reviews should be totaled and added to Bureau or Office FTE costs as described above.

$$\begin{aligned} \text{Contractor Costs} = & \text{Bureau/Office contractor expenses} + \text{applicant contractor expenses} \\ & + \text{FTE costs devoted to applicant document review} + \text{additional third-party costs} \end{aligned}$$

4. Lead Bureaus and Offices shall **total FTE and contractor costs**, and any other direct costs associated with preparing an EIS and other environmental reviews, rounded to the nearest thousand-dollar figure, and prominently display the total costs on the EIS cover page at the Draft, Supplemental, and Final EIS stage.

$$\text{Total Costs} = \text{FTE Costs} + \text{Contractor Costs}$$

IV. Cost Reporting

1. The Lead Bureau or Office shall enter environmental review costs into the NEPA and Permit Tracking Database (Database) at the Draft EIS, Supplemental EIS, and Final EIS stages and include the total estimated costs on the covers of the Draft EIS, Supplemental EIS, and Final EIS. Please see Attachment 1 for the template language and placement of total estimated costs on EIS cover pages.
2. No later than 30 days after the publication or issuance of the final Agency decision or action on the project, the Lead Bureau or Office shall total its estimated environmental review costs and upload them into the Database.

Judicial Review

This guidance establishes internal Department guidelines only. It does not create any rights, substantive or procedural, legally enforceable by any party.

⁵ Work Breakdown Structure (WBS) coding may be used for applicable proposed actions, even if costs accrue across budget cycles. These codes can be used in the Department's time and attendance tracking system, QuickTime; travel approval and voucher system, Concur; and financial systems, including Federal Business Management Systems (FBMS) to assist with the calculation of authorization and environmental review costs associated with each project.

Attachment 1 – Example EIS Cover Page

DRAFT ENVIRONMENTAL IMPACT STATEMENT

**FOR THE PROPOSED HABITAT CONSERVATION PLAN FOR
THE ENDANGERED AMERICAN BURYING BEETLE FOR
AMERICAN ELECTRIC POWER IN OKLAHOMA,
ARKANSAS, AND TEXAS**

VOLUME I: CHAPTERS 1-7

U.S. Fish and Wildlife Service
Southwest Region
Albuquerque, NM

March 2018

Estimated Lead Agency Total
Costs Associated with Developing
and Producing This EIS

\$274,000



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

SEP 17 2018

Memorandum

To: Deputy Inspector General
From: Deputy Secretary
Subject: Allocation of Funding

A handwritten signature in black ink that reads "David Bernick".

I am writing to bring to your attention a situation concerning proper and efficient use of taxpayer dollars. I was recently informed that during Fiscal Year (FY) 2017, Colorado State University (CSU) received more than 16 percent of all funding allocated to the Cooperative Ecosystem Studies Unit (CESU) for the entire National Park Service (NPS). This is the primary category under which NPS funds research, monitoring, and other park-related science. In addition, the primary field office of the NPS Natural Resources Stewardship and Science program is located in Ft. Collins, Colorado, as is CSU.

I have also been notified that the two CESU regions located near Ft. Collins (which includes CSU) – the Rocky Mountains and Colorado Plateau regions – received an even more disproportionate share of funding. Those two regions together received 36.76 percent of all CESU funding in FY 2017.

It is vital that the Department of the Interior (Department) employees ensure we are being good stewards of taxpayer funds. This includes ensuring that cooperatives and other funds distributed to outside partners are awarded in a fair and transparent manner that ensures the maximum value for the money spent.

I am asking you to consider evaluating the processes that have resulted in the awarding of funds to CSU to determine whether the funds were awarded appropriately in accordance with applicable laws, Department policies, and accepted best practices. The disproportionate amount of funds given to one university, combined with its proximity to the NPS field office most responsible for allocating those funds raises, at minimum, a question regarding impartiality.

I thank you for your attention to this matter. I look forward to learning the results of your evaluation.



THE DEPUTY SECRETARY OF THE INTERIOR

WASHINGTON

JUN 11 2018

Memorandum

To: Assistant Secretaries
Head of Bureaus and Offices
Directors of State, Regional, and Field Offices

From: Deputy Secretary 

Subject: Standardized Intra-Department Procedures Replacing Individual Memoranda of Understanding for Bureaus Working as Cooperating Agencies

Department of the Interior (Department or DOI) Bureaus that are asked by another DOI Bureau that is the lead agency in a National Environmental Policy Act (NEPA) review shall act as a cooperating agency based on the following parameters, and without the need for an individual Memorandum of Understanding (MOU).

Background

The National Environment and Policy Act (NEPA),¹ through the Council on Environmental Quality,² directs lead agencies conducting environmental reviews to include other Federal or State agencies with jurisdiction, either by subject matter expertise or by law, as cooperating agencies during a NEPA analysis. Federal and State Agencies historically formalize this relationship through the use of a MOU to clarify each agency's roles and responsibilities.

Despite residing within the same department, DOI's Bureaus have also employed NEPA cooperating agency MOUs. Intra-Department MOUs were intended to coordinate Bureau efforts and direct the deployment of resources, yet they often and unnecessarily delay environmental reviews. Accordingly, the following guidance replaces the Intra-Department MOU process with standardized guidance for efficient NEPA review and Bureau collaboration.

Directive

Intra-Department Bureaus that are asked to participate in the NEPA process³, where another DOI Bureau is the lead Agency, and that qualifies as a cooperating agency under 42 U.S.C. § 4332 and 40 CFR 1501.6, shall act as a cooperating agency without developing an individual MOU. Instead, the agreements below should serve as their operating agreement.

¹ 42 U.S.C. §4332.

² 40 CFR 1501.6.

³ The direction in this Memorandum applies to Environmental Impact Statements, Environmental Assessments, Categorical Exclusions, and any other form of analysis under NEPA.

Agreements

Intra-Department cooperating agency relationships shall be conducted in accordance with 40 CFR 1501.5 and 1501.6 and this section, which sets forth the Bureaus' cooperative roles in the NEPA review process:

Determination of Lead Agencies

When a project proponent or agency proposes an action as defined by the Administrative Procedure Act §704 or by 40 CFR §1508.18, lead and cooperating agencies shall be determined as soon as practicable according to 40 CFR 1501.5 and 1501.6. The lead and cooperating agency shall immediately designate a Point of Contact (POC) to represent each Bureau in Intra-Departmental consultations regarding that project or action.⁴

In executing this process, Lead Agencies shall:

- a. request the participation of each cooperating agency in the NEPA process at the earliest practicable time;
- b. use the environmental analysis and proposals of cooperating agencies with jurisdiction, by law or special expertise, to the maximum extent possible, consistent with its responsibility as the lead agency;
- c. to the extent possible:⁵
 1. Recover costs from project proponents; and
 2. Fund major activities or analyses it requests from cooperating agencies, and include such funding requirements for NEPA analysis in project budget requests, to the extent that project proponents are not already paying for the analysis.
- d. organize the NEPA review for a proposed project or action, including assigning a Senior Executive Service (SES) official to lead the NEPA review process and identifying a primary POC at each cooperating or participating agency;
- e. meet with a cooperating agency at that Bureau's request;
- f. prepare and coordinate Federal Register notices and filing Environmental Impact Statement (EIS) with EPA;
- g. prepare the sole NEPA analysis for the project in coordination with the cooperating agencies. All NEPA analyses should include an adequate level of detail to inform decision makers regarding the environmental impacts of a proposed project or action while maintaining the Department's document and timeline standards;
- h. inform cooperating agencies of new material information and changes related to the project or action;
- i. review and consider comments submitted by cooperating agencies;

⁴ In instances where Bureaus are co-lead agencies, it is incumbent upon them to determine which acts as the administrative lead agency with final responsibility responsible for completion of the tasks within the Lead Agency section of this Memorandum. However, co-lead agencies shall work together to complete these responsibilities.

⁵ The terms in this paragraph apply to both intra and inter Departmental NEPA analysis.

- j. if required, develop the NEPA document's purpose and need, identify the range of alternatives to be analyzed, identify the preferred alternative(s), and determine whether to develop the preferred alternative to a higher level of detail;
- k. provide cooperating agencies the opportunity to review and contribute to all relevant and substantive phases of the NEPA analysis and its preparation;
- l. if required by One Federal Decision (OFD), prepare and publish a single Record of Decision (ROD) for all cooperating agencies responsible for the project or action to support any necessary authorization decisions. The ROD will incorporate the decisions of each such agency; and
- m. maintain a contemporaneous Decision File of the information assembled and utilized by the cooperating agencies as the basis for their NEPA review.

In executing this process, Cooperating Agencies shall:

- a. participate in the NEPA process beginning at the earliest practicable time;
- b. participate in the scoping process, attend regularly scheduled meetings, and engage in any other activity necessary to efficiently conduct a project's NEPA analysis;
- c. upon the request of the lead agency, assume responsibility for developing information and preparing environmental analyses, including portions of an Environmental Assessment (EA) or EIS with which that Bureau has special expertise;
- d. review and submit comments to the lead agency on the environmental analysis performed by the lead and other cooperating agencies within the specified timeframe;
- e. if required by OFD, participate in the preparation of a single ROD by providing technical drafting assistance and comments that support the underlying authorization decision;
- f. compile a contemporaneous Decision File composed of all documents and communications that inform the cooperating agency's analysis, and systematically provide those documents to the lead agency; and
- g. make staff support available at the lead agency's request, within the Bureau's available resources.

Dispute Resolution

- a. Any disputes arising among lead and cooperating agencies in the NEPA review process shall be promptly brought to the attention of the appropriate first line SES members with authority over the project, or the office responsible for the NEPA review, and be resolved by them;
- b. In the event that first line SES members are unable to resolve such disputes, the issue shall be raised to the appropriate Bureau directors for resolution;
- c. In the event that Bureau directors are unable to resolve such disputes, the issue shall be raised to the appropriate Assistant Secretaries for resolution; and
- d. In the event that Assistant Secretaries are unable to resolve such disputes, the issue shall be raised to the Office of the Deputy Secretary for resolution.

NEPA Timelines, Schedules, and Document Page Count

- a. When conducting a NEPA analysis, Intra-Departmental cooperating agencies shall strive to meet the page count and timelines set forth in Secretarial Order 3355 by agreeing upon a timeline or schedule of milestones;
 - b. If a proposed project or agency action qualifies as a Fixing America's Surface Transportation Act or OFD action, then Intra-Departmental Bureaus will comply with the timelines set forth in the OFD Memorandum of Understanding;
 - c. To comply with agreed upon timelines, Intra-Departmental agencies shall cooperate, communicate, share information, and resolve conflicts that could prevent timely completion of the NEPA review; and
- Each agreed upon project or action schedule shall be uploaded to the NEPA and Permit Database by the lead agency, and where appropriate, the Federal Permitting Dashboard, as soon as is practicable based upon the timely filing of the project or action's Notice of Intent (NOI).

Communication

Intra-Department cooperating agencies shall proactively participate in environmental reviews by communicating with one another, as well as project proponents and stakeholders, in an effective and structured manner that starts early and continues throughout the review process. Active communication will provide all cooperating agencies with the opportunity to identify concerns, raise potential issues early in the review process, and identify solutions.

Concurrent Reviews

Cooperating agencies shall carry out their obligations with respect to NEPA concurrent to the review performed by the lead agency.⁶ Intra-Department NEPA reviews shall also be conducted according to the guidelines within Secretary Order 3355.

Additional Provisions

- a. Nothing contained in this Memorandum is intended to or should be construed to limit or affect the authority or legal responsibilities of the Department's Bureaus, nor bind Bureaus to perform actions beyond their respective authorities;
- b. This Memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations;
- c. Specific activities that involve the transfer of money, services, or property between or among the Bureaus may require execution of separate agreements or contracts that occur as a matter of course;
- d. This Memorandum does not preclude the utilization of NEPA compliance agreements between Bureaus that were in place prior to its effective date; and

⁶ Concurrent review includes but is not limited to Section 7 review under the Endangered Species Act, Section 106 review under the National Historic Preservation Act, and other permitting activities such as coordinating Right-of-Way authorizations.

- e. This Memorandum is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Effective Date

This Memorandum is effective immediately upon distribution and shall remain in effect until revoked in writing by the Deputy Secretary.

The Heads of Bureaus and Offices are responsible for transmitting this Memorandum to the appropriate staff in the State, regional, and field offices.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

AUG 06 2018

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices
NEPA Practitioners

From: Deputy Secretary *Land B. Minner*

Subject: Additional Direction for Implementing Secretary's Order 3355 Regarding Environmental Assessments

Purpose:

On August 31, 2017, I issued Secretary's Order 3355 (Order) to improve the Department of the Interior's (Department) environmental review processes under the National Environmental Policy Act (NEPA). Section 4b of the Order directed the Department's Bureau and Office (Bureau) heads to recommend target page and time goals for the preparation of Environmental Assessments (EA) where a Bureau is the Lead Agency. The following guidance considers and incorporates each Bureau's feedback for the thorough and timely consideration of environmental impacts analyzed within an EA document.

EA Guidance:

1. EA Page and Time Guidelines:

- a. Bureaus should strive to produce EAs that are consistent with both the Council on Environmental Quality's (CEQ) guidance and the Department's normal practice. The CEQ recommends that EAs be approximately 10-15 pages and be completed in 3 months or less.¹ The Department generally produces EAs that are approximately 30-40 pages.
- b. In certain circumstances, EAs may need to exceed CEQ's guidance and the Department's normal practice. In these instances, Bureaus should strive to complete EAs in 75 pages or less, excluding appendices, and to conclude the EA

¹ Council on Environmental Quality: Memorandum to Agencies – *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, 46 Fed. Reg. 18026 (March 23, 1981).

review within 180 calendar days of the commencement² date, pursuant to 43 CFR § 46.325.³

- c. If a proposed action presents particular environmental challenges that make it unlikely for an EA to be completed in less than 75 pages or 180 days, the EA Project Teams should consult with the Office of the Solicitor, Bureau Director, and first-line Senior Executive Service (SES) member with line authority over the proposed action to determine the best course of action.
2. EA Tracking and Management:
- a. Within 30 calendar days of the effective date of this Memorandum:
 - i. Bureaus shall upload⁴ EA project information and schedules to the NEPA and Permit Tracking Database (Database) for EAs that were initiated before the effective date of this Memorandum and that are not yet complete, if the total time to complete the EA is likely to exceed 180 calendar days from the effective date of this Memorandum or is unlikely to be completed in 75 pages or less.
 - ii. Bureaus are not required to upload existing EA project information and schedules if the EA will be completed within 180 calendar days of the date of this Memorandum.
 - iii. Bureaus shall upload EA project information and schedules to the Database for EAs that are initiated after the effective date of this Memorandum if the total time to complete the EA is likely to exceed 180 calendar days or is not likely to be completed in 75 pages or less.
 - b. EA documents should continue to be approved and/or cleared according to each Bureau's current program, and with the expectation that the first-line SES member with line authority over the proposed action will bear ultimate responsibility for each EA.

3. EA Team and Solicitor Assignments:

- a. For each EA to be uploaded into the Database, provide the name, title, and contact information for the first-line SES member with line authority over the proposed action and the other members of the EA Project Team, by uploading the

² EAs commence once a Bureau receives a completed application from a project proponent, receives or obtains sufficient information to analyze the proposed action, publishes a Notice of Proposed Rulemaking in the Federal Register, or internally determines to pursue action planning.

³ EAs conclude upon the issuance of a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), the signing of a Finding of No Significant Impact (FONSI) or mitigated FONSI, or written determination of no further action.

⁴ The task of uploading EA project information and schedules to the Database may be assigned to any Bureau employee, however, that person should have first-hand knowledge of the project and the status of the EA document.

information into the Database. Contact information shall include a telephone number and an email address.⁵

- b. An attorney in the Office of the Solicitor, based either regionally or in Washington, DC, shall be incorporated into all new and existing EA Project Teams⁶ if the EA is expected to be controversial, complex, or is perceived to possess a greater-than-average risk of litigation.⁷ Bureaus and their EA Project Teams shall present EAs that may meet this criteria to the Office of the Solicitor, which will then determine whether an attorney needs to be assigned to the EA Project Team. The assigned attorney is responsible for ensuring that the EA is legally sufficient prior to the conclusion of the EA analysis.
- c. Where required, Bureaus shall provide the assigned attorney's name and contact information in the Database.

4. Meeting EA Page and Timeline Goals:

The following recommendations should help EA Project Teams plan with the goal of completing an EA in 180 calendar days and 75 pages or less. While each of these recommendations may prove helpful, Bureaus are expected to draw upon their expertise and experience to address individual issues as they arise:

- a. Departmental NEPA regulations state that an EA can be prepared in any format that is useful to facilitating planning, decision making, and informing the public.⁸ The attachment provides a suggested layout and page count for a fully developed, yet concise EA.⁹
- b. Upon receiving demonstrated interest from a project proponent, and prior to initiating an EA, it is considered best practice to assess or evaluate proponent applications to ensure that they are complete and properly prepared by the proponent. This assessment may be comprised of a meeting, teleconference, follow-up discussion, or an application review with the proponent prior to accepting an application. This assessment is not a decisional step, but is intended to confirm that proponents are ready to proceed.

⁵ This directive is not asking for the list of preparers pursuant to 40 CFR §1502.17, but those responsible for project oversight, management, and compliance with this Memorandum pursuant to 43 CFR § 46.310.

⁶ EA Project Teams may include, but are not limited to, Departmental NEPA staff, Senior Executive Service members, subject matter experts, contractors, planners, attorneys from the Office of the Solicitor, and others who work on EAs at the field level.

⁷ This term does not alleviate the Office of the Solicitor from reviewing EA documents prior to publication; it simply limits their required formal EA Project Team participation to projects that are controversial, unusually complex, or possess a greater-than-average litigation risk.

⁸ 43 CFR § 46.310, 46.315.

⁹ This template is simply meant as a guide to help EAs remain under 75 pages, in the event that page restraint becomes an issue, and Bureaus should utilize their experience and expertise to find solutions that address unique circumstances as they arise.

- c. Pursuant to 40 CFR §1501.6, Bureaus shall include as cooperating Agencies other Federal agencies with jurisdiction by law or special expertise in the project subject matter,¹⁰ and Bureaus must cooperate at the request of another Bureau.

5. Public Involvement:

- a. Both CEQ¹¹ and the Department's¹² regulations require some form of public involvement – *to the extent practicable*¹³ – in the preparation of an EA. Each regulation gives Bureaus the discretion to determine how much and what kind of public involvement is most appropriate for an individual EA.
- b. Public involvement may include, but is not limited to, public notice prior to or during EA preparation, public scoping, public meetings, requests for information, or public comment on the completed EA and unsigned Finding of No Significant Impact.
- c. Bureaus should ensure that the selected level of public involvement is incorporated into the project's 180-calendar-day timeline.¹⁴

6. Contractor Guidance:

When a Bureau is using a contractor to prepare an EA, this Memorandum's page and time goals shall be included and adhered to as a material term in each Bureau's solicitation for a Statement of Work, and the subsequent contract for EA preparation services, issued after the date of this Memorandum.

7. Bureau NEPA Handbooks:

- a. According to the Secretary's Order 3355 guidance documents issued on April 27, 2018, Bureau Directors and their NEPA staff are meeting with the Office of the Deputy Secretary and the Office of Environmental Policy and Compliance to identify whether changes are required to each Bureau's NEPA Handbook (Handbook). To avoid duplicating efforts, Bureaus shall update their Handbooks to reflect the EA guidance within this Memorandum in conjunction with Environmental Impact Statement (EIS) updates. Both the EIS and the EA NEPA Handbook update meetings shall now be completed by September 1, 2018, instead of the original date of July 2, 2018.

¹⁰ It shall be incumbent upon Bureaus acting as Lead Agencies to ensure that cooperating Federal Agencies outside of the Department adhere to the Department's page and timeliness guidelines as nearly as is practicable, subject to applicable law, statutory authority, and appropriations.

¹¹ 40 CFR 1500.2(d), 1501.4(e)(2), 1506.6.

¹² 43 CFR § 46.305.

¹³ *Id.*

¹⁴ Deviation from this guidance may be required if the EA is tied to a formal Agency rulemaking procedure that proscribes a certain level of public involvement – such as public comment.

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- b. Bureau Handbook changes should be implemented as soon as practicable through issuance of an updated Handbook or by using an established, Bureau-specific amendment processes, such as issuance of a Permanent Instruction Memorandum. If a Permanent Instruction Memorandum or other amendment process is utilized, the Bureau's Handbook shall be revised and amended as soon as practicable.

Additional Provisions:

8. Nothing contained in this Memorandum is intended to or should be construed to limit or affect the authority or legal responsibilities of the Department's Bureaus or other Federal- or State-level government entities, nor bind them to perform actions beyond their respective authorities.
9. This Memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.
10. Specific activities that involve the transfer of money, services, or property between or among the Bureaus may require execution of separate agreements or contracts that occur as a matter of course.
11. This Memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its Departments, Agencies, or entities, its officers, employees, or agents, or any other person.

Effective Date:

Directives and guidance within this Memorandum are effective immediately upon distribution.

Attachment

Attachment – DOI EA Page Allocation Guide

Chapter/Section	EA Page Count
Executive Summary	2
Purpose and Need for Action	4
Proposed Action	4
Alternatives	12
Affected Environment	20
Environmental Consequences	28
Mitigation (If applicable)	5
Total	75



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

AUG 24 2018

Memorandum

To: All DOI Employees

From: Deputy Secretary

Subject: Hatch Act Reminder

A handwritten signature in black ink, appearing to read "David Bernhardt".

As Federal elections approach, this is an appropriate time to remind all Department of the Interior (Department) employees of the importance of complying with the Hatch Act. The basic principle behind the Hatch Act is that Federal executive branch employees not mix their Government duties and personal political activities. Political activity is activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. American taxpayers should feel confident that political activity does not enter the Federal workplace and that employees do not feel as if they might anticipate possible benefit or detriment if they do or do not support a particular political candidate or party.

All civilian employees in the executive branch of the Federal Government, except the President and Vice President, are covered by the provisions of the Hatch Act. However, employees appointed by the President, by and with the advice and consent of the Senate, may engage in political activity while on duty to a limited extent, in their personal capacity only, as long as the costs associated with the political activity are not paid for using Federal funds. This exception does not apply to any other employee, including staff members working for Presidential appointees.

All Department employees should respect the letter and underlying spirit of the Hatch Act in maintaining a politically neutral workplace free of partisan political activity. As we expand and strengthen our ethics program, I strongly encourage all employees to reach out to their ethics officials for advice about the Hatch Act and other ethics matters that might impact the workplace.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

SEP 17 2018

Memorandum

To: Deputy Inspector General

From: Deputy Secretary

Subject: Allocation of Funding

A handwritten signature in black ink that reads "David Bernick".

I am writing to bring to your attention a situation concerning proper and efficient use of taxpayer dollars. I was recently informed that during Fiscal Year (FY) 2017, Colorado State University (CSU) received more than 16 percent of all funding allocated to the Cooperative Ecosystem Studies Unit (CESU) for the entire National Park Service (NPS). This is the primary category under which NPS funds research, monitoring, and other park-related science. In addition, the primary field office of the NPS Natural Resources Stewardship and Science program is located in Ft. Collins, Colorado, as is CSU.

I have also been notified that the two CESU regions located near Ft. Collins (which includes CSU) – the Rocky Mountains and Colorado Plateau regions – received an even more disproportionate share of funding. Those two regions together received 36.76 percent of all CESU funding in FY 2017.

It is vital that the Department of the Interior (Department) employees ensure we are being good stewards of taxpayer funds. This includes ensuring that cooperatives and other funds distributed to outside partners are awarded in a fair and transparent manner that ensures the maximum value for the money spent.

I am asking you to consider evaluating the processes that have resulted in the awarding of funds to CSU to determine whether the funds were awarded appropriately in accordance with applicable laws, Department policies, and accepted best practices. The disproportionate amount of funds given to one university, combined with its proximity to the NPS field office most responsible for allocating those funds raises, at minimum, a question regarding impartiality.

I thank you for your attention to this matter. I look forward to learning the results of your evaluation.

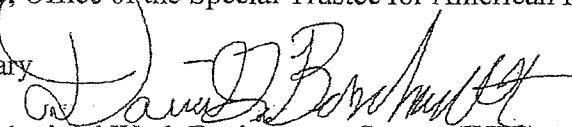


THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

APP 9 P 2016

Memorandum

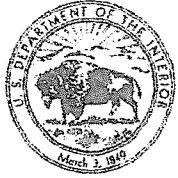
To: Commissioner, Bureau of Reclamation
Director, Bureau of Indian Affairs
Director, Bureau of Indian Education
Director, Bureau of Ocean Energy Management
Director, Bureau of Safety and Environmental Enforcement
Director, Office of Surface Mining, Reclamation and Enforcement
Director, Office of Natural Resource Revenue
Director, U.S. Geological Survey
Special Trustee, Office of the Special Trustee for American Indians

From: Deputy Secretary 

Subject: Response to Submitted Work Environment Survey (WES) Action Plans

After conferring with the career experts within the Department of the Interior and personally reviewing your revised WES action plans, I have determined that your plans are sufficient and you should immediately begin implementation.

You will each provide me a quarterly assessment of the progress made in implementing the plan, including any lagging efforts.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

MAR 22 2018

Memorandum

To: Assistant Secretary – Indian Affairs
Commissioner, Bureau of Reclamation
Director, Bureau of Indian Affairs
Director, Bureau of Indian Education
Director, Bureau of Ocean Energy Management
Director, Bureau of Safety and Environmental Enforcement
Director, Office of Surface Mining Reclamation and Enforcement
Director, Office on Natural Resources Revenue
Director, U.S. Geological Survey
Special Trustee, Office of the Special Trustee for American Indians

From: Deputy Secretary 

Subject: Response to Submitted Work Environment Survey (WES) Action Plans

After conferring with the career experts within the Department of the Interior and personally reviewing the submitted action plans, I have determined that the proposed WES action plans submitted by your organizations are not sufficiently rigorous to meet the challenges we face. I have asked that the career experts reach out to your staff to discuss shortcomings, the actions being taken by other bureaus, and my expectations. I believe some of these meetings have already taken place.

Please provide me your revised action plan by April 10, 2018.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

MAR 22 2018

Memorandum

To: Solicitor
 Assistant Secretary for Policy, Management and Budget
 Director, Bureau of Land Management
 Director, National Park Service
 Director, U.S. Fish and Wildlife Service
 Director, Interior Business Center

From:

Deputy Secretary

Subject: Response to Submitted Work Environment Survey (WES) Action Plans

After conferring with the career experts within the Department of the Interior and personally reviewing the submitted WES action plans, I have determined that your plans are sufficient and you should immediately begin implementation.

You will each provide me a quarterly assessment of the progress made in implementing the plan, including any lagging efforts.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

APR 27 2018

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices
NEPA Practitioners

From: Deputy Secretary

Subject: NEPA Document Clearance Process

A handwritten signature in black ink that reads "David Bernhardt".

Purpose:

On August 31, 2017, I issued Secretary's Order 3355 (Order) with the intent of immediately improving the Department of the Interior (Department) National Environmental Policy Act (NEPA) process.¹ The process for obtaining official concurrence on draft documents related to the Environmental Impact Statement (EIS) process, such as Notices of Intent (NOI) and Notices of Availability (NOA), prior to their publication in the Federal Register, is an area that needs improvement because it has become overly burdensome. This concurrence process, known as "surnameing," is intended to provide Department leadership with valuable situational awareness and improve the quality of documents, but I believe there are better ways to meet these objectives while moving decision making further out into the field, reducing duplicated effort, and eliminating unneeded delay. Accordingly, this Memorandum replaces the EIS document surnaming process with a new briefing procedure and a streamlined approval process.²

Directive:

Any proposed Agency action^{3,4} that is determined to require EIS review under NEPA⁵ shall be reviewed according to the procedure outlined below.⁶ Each Bureau shall coordinate with and follow the Office of Environmental Policy and Compliance's (OEPC) protocol for electronically submitting and tracking EIS documents that will be reviewed by Department leadership, which will ensure that the outlined procedures are followed.

1. Initial Action Notice:

¹ Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 C.F.R. § 1500-1508.

² This Memorandum withdraws surnaming guidance documents that related to EIS review.

³ See Administrative Procedure Act, 5 U.S.C. § 704, § 551.

⁴ 40 C.F.R. § 1508.18.

⁵ National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C)

⁶ EIS review should only occur after fully and properly considering use of a relevant Categorical Exclusion or Environmental Assessment.

- a. When a Bureau or Office determines to move forward with an EIS, either by receipt of a completed application from an external project proponent or an internal determination to pursue an action, a Notice, composed of a 1-2 page description of the proposed action, preliminary purpose and need, challenges to project completion (i.e., social, economic, physical), elected and appointed official perspectives, Tribal perspectives, applicability of the Fixing America's Surface Transportation Act or the One Federal Decision criteria (Briefing Materials), and an estimated NOI date, shall be sent to the Review Team via email. The Review Team shall be composed of the following officials (as appropriate to the EIS subject matter) or their designee(s):
 - i. Regional or State Director;
 - ii. Bureau Director;
 - iii. Assistant Secretary;
 - iv. Director, OEPC;
 - v. Deputy Solicitor;⁷
 - vi. Office of the Deputy Secretary;⁸ and
 - vii. The Chief of Staff.
- b. No action is required of the Review Team at this stage. However, the Review Team shall have 2 days to further inquire into the noticed project or request a single oral briefing for all interested members of the Review Team.

2. Notice of Intent:

- a. Once a NOI is prepared, the EIS Project Team⁹ shall share the proposed NOI text, a briefing PowerPoint presentation, maps, a 1-2 page project description consistent with the Briefing Materials, and a draft congressional notification letter¹⁰ with the Review Team via email. The Review Team shall have 3 business days to provide comments on the NOI or object to its publication.
- b. The first Senior Executive Service (SES) member with line authority over the proposed action shall bear ultimate responsibility for the EIS process. If no objections are raised by the Review Team within its 3 day feedback period, and subsequent to the concurring signature of the assigned solicitor, the SES member with line authority over the project may sign and approve the NOI and send it to the Office of the Executive Secretariat and Regulatory Affairs (OES) for Federal Register publication review. Once the review is complete, OES will notify the Bureau or Office and they will deliver the NOI to the Federal Register for publication. If an objection is raised by the Review Team, then the SES member

⁷ The Deputy Solicitor with authority over the proposed project and/or Bureau shall be the noticed Deputy Solicitor.

⁸ All notices, waiver requests, and communications with the Office of the Deputy Secretary referenced in this Memorandum shall be directed to nepa.depsec@ios.doi.gov.

⁹ EIS Project Teams include but are not limited to Departmental NEPA staff, Senior Executive Service members, project managers, subject matter experts, an attorney from the Office of the Solicitor, contractors, planners, and others who work on the EIS at the field level (EIS Project Team).

¹⁰ See Attachment 1 for a Congressional Notification Letter template.

will either resolve the objection or obtain a decision from the Office of the Deputy Secretary regarding the objection, prior to signing and approving the NOI.

3. Draft EIS Development Briefing:

- a. After an NOI is published and its scoping comment period closes, the designated EIS Project Team shall prepare and schedule an oral briefing to inform the Review Team of the planned development of the Draft EIS. Briefing materials shall be provided to the Review Team one calendar week prior to the briefing date. The briefing shall be held either in person or via teleconference and should highlight the opportunities and challenges presented in moving forward with the EIS process. Ideally, each member of the Review Team should be present in a single briefing, whether in person or via teleconference.
- b. The Review Team shall provide feedback to the EIS Project Team during the briefing and up to 5 business days after the date of the briefing. If no objections are raised by the Review Team, the delegated SES member may direct the EIS Project Team to continue development of the Draft EIS. Members of the Review Team who do not participate in the briefing or feedback period may raise new or otherwise unforeseen issues that materially impact the development of a Draft EIS with the Deputy Secretary in a timely and expeditious manner for resolution with the EIS Project Team.

4. Draft EIS and NOA Clearance:

- a. Upon completion of the administrative Draft EIS, EIS Project Teams shall provide the Review Team, via email, the link to an electronic copy of the Draft EIS and schedule an oral briefing. The oral briefing shall provide an overview of the proposed action, purpose and need, alternatives, salient environmental impacts and resource conflicts, and the significant opportunities and hurdles that exist in completing the project. Briefing Materials shall be provided to the Review Team 1 calendar week prior to the briefing date. In particular, the briefing should address the Secretary's priorities, resolution of resource conflicts, land-use restrictions, transportation or access limitations, elected official views, and inter-jurisdictional considerations.
- b. The EIS Project Teams shall brief the Review Team, collect comments and guidance for amending the Draft EIS, and poll whether there are any objections to approving the Draft EIS for release for public comment. Ideally, each member of the Review Team should be present in a single briefing, whether in person or via teleconference. The Review Team shall provide feedback to the EIS Project Team during the briefing and up to 10 business days after the date of the briefing. Members of the Review Team who do not participate in the briefing or feedback period may raise new or otherwise unforeseen issues that

materially impact the Draft EIS with the Deputy Secretary in a timely and expeditious manner for resolution with the EIS Project Team.

- c. The EIS Project Teams shall also include a draft NOA as part of the briefing package:
 - i. If the only NOA format used is provided by the Environmental Protection Agency (EPA), then the NOA may be submitted directly to the EPA for publication in the Federal Register with the filing of the approved Draft EIS.
 - ii. If the Bureau must (by regulation) or chooses to (by practice) publish a Bureau-specific NOA in addition to the EPA's NOA, then the Bureau-specific NOA will be sent to OES for Federal Register publication review. Following the review, the Bureau or Office will deliver the NOI to the Federal Register for publication following clearance of the Draft EIS, in coordination with the simultaneous (same day) submission of the Draft EIS and publication of the EPA-issued NOA.
- d. If no objections are raised by the Review Team, and subsequent to the concurring signature of the assigned solicitor, the delegated SES member may sign and approve the Draft EIS for publication. If an objection is raised by the Review Team, then the SES member will either resolve the objection or obtain a decision from the Office of the Deputy Secretary regarding the objection, prior to signing and approving the document.¹¹

5. Final EIS and NOA Clearance:

- a. Following the Draft EIS public and inter-agency comment analysis, EIS Project Teams shall prepare: 1) a Final EIS, 2) a Record of Decision (ROD), and 3) NOAs (if required or by practice) for both the Final EIS and the ROD; provide the Review Team, via email, the link to electronic copies of the documents; and schedule an oral briefing.
- b. The EIS Project Teams shall brief the Review Team on the Final EIS and Draft ROD. Briefing materials shall be provided to the Review Team one calendar week prior to the briefing date. The Review Team shall provide feedback to the EIS Project Team during the briefing and up to 5 business days after the date of the briefing. Ideally, each member of the Review Team should be present in a single briefing, whether in person or via teleconference. Members of the Review Team who do not participate in the briefing or feedback period may raise new or otherwise unforeseen issues that materially impact the Final EIS with the Deputy Secretary in a timely and expeditious manner for resolution with the EIS Project Team.

¹¹ Paragraphs 4(c) and 4(d) are defined as 'Approval and Publication Protocol'.

- c. Unless an objection is raised, the delegated SES member may then sign and approve the Final EIS and NOA according to the Approval and Publication Protocol.¹²
- 6. ROD and NOA Clearance:
 - a. After the close of the Final EIS notice period (30 days), the EIS Project Team shall send a one-page notice to the Review Team seeking objections to Final ROD approval. The one-page notice shall include: 1) a brief discussion on any substantive issues that arose during the Final EIS notice period, 2) the Final ROD text, and 3) confirmation that it did not change from what was initially reviewed, or advise of any outstanding issues that need to be addressed, such as protest resolutions or Governor's Consistency Review objections.
 - b. No action is required of the Review Team at this stage. However, the Review Team shall have 3 business days to inquire further into the ROD or request a single oral briefing for all interested members of the Review Team. Unless an objection is raised, the delegated SES member may sign and approve the ROD and, if applicable, the NOA, according to the Approval and Publication Protocol.

Judicial Review

This guidance establishes internal Department guidelines only. It does not create any rights, substantive or procedural, enforceable at law by any party.

Effective Date:

Directives and guidance within this Memorandum are effective immediately upon distribution.

¹² This term is subject to bureau specific requirements including Governor's Consistency Reviews and Protest Resolution.

Attachment 1 – Sample Congressional Notification Letter



Department of the Interior
Bureau of Land Management
1849 C St NW # 5660
Washington, DC 20240



To: [Elected Official]

From: [Bureau, Region, Office, etc.]

Subject: [NOI, Draft EIS etc.] Regarding [Project]

[Document Title Including the Name of the Project and its Phase]

Dear [Elected Official]:

This letter is to notify your office that the [Bureau] is taking action on [Project], which will [wholly or in part] take place within your [District/State].

The project's [NOI/NOA/Draft EIS etc.] is attached for you information and convenience. If you have further questions regarding the project, please feel free to contact [first SES member with line authority of over the action] at [phone number] or [email address].

Best regards,

[SES member name]
[e/Signature]

Attachment



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

JUN 01 2018

Memorandum

To: Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary – Land and Minerals Management
Assistant Secretary – Water and Science

From: Deputy Secretary 

Subject: Secretary Order 3362 – Identifying Liaison Candidates

On February 9, 2018, the Secretary signed Secretary Order 3362 (Order) “Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors.” The Order has created considerable positive attention and there is an eagerness to begin full implementation.

The Coordinator under the Order has been selected and many bureaus have taken the initiative to interpret the Order and begin implementation. While I appreciate their efforts, other directives in the Order require your immediate attention and action. The most important among them is found in section 4b(1), which directs the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS) to work together to identify one person for each appropriate unified region to serve as a liaison to coordinate at the State and unified regional level. There will be a collective total of 5 liaisons, 1 for each unified region (5 unified regions cover the 11 western States under the Secretary’s reorganization plan). The U.S. Geological Survey (USGS) was omitted from the Bureaus who were directed in the Order to work together to identify candidates to fill the liaison roles. Therefore, through this Memorandum, I now direct USGS to work with the other Bureaus to identify candidates for the liaison positions.

Please utilize the criteria below as you consider potential liaisons. The desired qualities should include a majority of the following:

- 1) good communication, writing, and organizational skills;
- 2) land management and/or wildlife conservation experience;
- 3) positive relationships with state fish and game agencies, other agencies, and applicable non-government organizations;
- 4) knowledge of industry and/or private land issues; and
- 5) demonstrated partnership skills.

The liaisons will remain employees of their respective Bureaus, but serve on a 6-month detail for this assignment. Extending the detail may be necessary, depending on progress made. The initial time commitment will involve calls, meetings, and preliminary work on State plans. Once the necessary information is received from the States to develop individual State plans, the time commitment will increase. The liaisons responsibilities are to:

- 1) develop individual State plans based on information supplied by the States;
- 2) secure approval of State plans by the respective State Fish and Game Director; and
- 3) implement the plans by working with the State(s), local Department of the Interior and Agriculture offices, and local relevant partners.

Additionally, they will serve as the point of contact at the unified regional and state level.

ACTION: Within 15 days from the date of this Memorandum, please provide:

- 1) your recommendations for liaison candidates;
- 2) a brief background for each;
- 3) the State where they reside (including name of their work station);
- 4) their contact information; and
- 5) reason(s) you believe they can successfully implement their duties under the Order.

To make this process easier, each Bureau can submit their individual recommendations, but I ask that you communicate with each other so we have at least 1-2 candidates to choose from for each region.

Further, section 4a(2) of the Order directs the BLM, FWS, and NPS to provide the Coordinator with the following information:

- 1) Past and current bureau conservation/restoration efforts on winter range and migration corridors;
- 2) Whether consideration of winter range and corridors is included in appropriate bureau land (or site) management plans;
- 3) Bureau management actions used to accomplish habitat objectives in these areas;
- 4) The location of areas that have been identified as a priority for conservation and habitat treatments; and
- 5) Funding sources previously used and/or currently available to the bureau for winter range and migration corridor conservation/restoration efforts.

ACTION: Within 30 days from the date of this Memorandum, please provide the required information as outlined above per section 4a(2) of the Order.

Please provide your submissions to Mr. Casey Stemler (casey_stemler@fws.gov) and copy Mr. Todd Willens (todd_willens@ios.doi.gov). If you have questions please contact Mr. Stemler at (303) 236-4412 or Mr. Willens at (202) 208-3437.



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

JUL 23 2018

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices
NEPA Practitioners

From: Deputy Secretary 

Subject: Reporting Costs Associated with Developing Environmental Impact Statements

Purpose

This memorandum provides guidance to yield greater transparency by capturing the estimated costs to develop and produce EIS documents prepared by the Department's Bureaus and Offices when serving as the lead Agency.¹ A standard description of cost estimates will assist Bureaus in determining how to appropriately focus resources, diagnose problems, find opportunities to improve project planning, and be used to meet the Agency Performance Accountability System requirements established under Executive Order 13807.

Scope

This memorandum applies to all proposed actions for which the Department, including any of its Bureaus or Offices, is the lead Agency and has published a Notice of Intent (NOI) to prepare an EIS. For purposes of this memorandum, "environmental review costs" include the lead Agency's personnel, contractors, or other direct costs associated with project authorization and NEPA compliance, but do not include the estimated costs incurred by cooperating Agencies.² "Environmental review costs" also include the lead Agency's costs associated with complying with laws other than NEPA, such as the Endangered Species Act or the National Historic Preservation Act, that are necessary for the lead Agency to authorize the proposed action evaluated by the EIS.

Directive

Upon the effective date of this memorandum, all Bureau or Office-led Draft, Supplemental, and Final EISs shall display the estimated environmental review costs associated with developing and producing the EIS, to that point in the NEPA process, on the EIS cover page according to the following guidance:

¹ 40 CFR 1508.16.

² 40 CFR 1501.6.

I. Cost Tracking and Reporting Guidance

1. For ongoing proposed actions, lead Bureaus or Offices shall make a good faith estimate of past incurred environmental review costs;
2. To facilitate an estimate, each lead Bureau or Office shall begin tracking environmental review costs once it has determined that it will prepare an EIS to evaluate a proposed action;³ and
3. Each lead Bureau or Office shall continue to track environmental review costs until it issues a final decision on the proposed action evaluated by the EIS.

II. Developing a Cost Estimate

1. Lead Bureaus and Offices shall track the costs of their full-time equivalent (FTE) personnel hours, contractor costs, and other direct costs related to the proposed action and associated environmental review.
2. Lead Bureau and Office FTE hours should include an estimate of the cost of time spent by:
 - a. the project management team responsible for the proposed action;
 - b. subject matter experts who participate in a portion of the review;
 - c. managers or supervisors who have delegated responsibility over or direct oversight of the proposed action and EIS; and
 - d. attorneys who review documents pertaining to the proposed action.
3. Contractor costs should include:
 - a. the direct costs associated with a lead Bureau or Office employing a contractor to develop an EIS or other environmental reviews;
 - b. any additional contractor costs; and
 - c. any additional third-party costs that were necessary to complete the EIS or other environmental reviews that were not directly billed to the contractor.

III. Calculating Time and Costs

1. Lead Bureaus or Offices shall calculate a proposed action's environmental review costs by totaling the lead Agency's direct and contractor costs and rounding that number to the nearest thousand-dollar figure.⁴ Department financial and administrative systems

³ Costs include those incurred pre-application and pre-Notice of Intent (NOI) to assist the applicant in submitting a complete application and to assist in issuing an effective NOI and EIS.

⁴ For example, if environmental review costs for a Draft EIS total \$456,678.09, then the number displayed prominently on the cover page of the Draft EIS should be \$457,000.

may be used to track such costs.⁵

2. Lead Bureaus and Offices may calculate **FTE costs** by estimating, or by reporting tracking system data, the amount of applicable staff time spent on an environmental review and multiply those hours by the Bureau or Office's average hourly rate.

$$\text{FTE Costs} = \text{Total estimated FTE hours} \times \text{Average FTE Hourly Rate}$$

3. Lead Bureau, Office, and applicant-funded **contractor costs** of producing or reviewing an EIS and other environmental reviews should be totaled and added to Bureau or Office FTE costs as described above.

Contractor Costs = Bureau/Office contractor expenses + applicant contractor expenses
+ FTE costs devoted to applicant document review + additional third-party costs

4. Lead Bureaus and Offices shall **total FTE and contractor costs**, and any other direct costs associated with preparing an EIS and other environmental reviews, rounded to the nearest thousand-dollar figure, and prominently display the total costs on the EIS cover page at the Draft, Supplemental, and Final EIS stage.

$$\text{Total Costs} = \text{FTE Costs} + \text{Contractor Costs}$$

IV. Cost Reporting

1. The Lead Bureau or Office shall enter environmental review costs into the NEPA and Permit Tracking Database (Database) at the Draft EIS, Supplemental EIS, and Final EIS stages and include the total estimated costs on the covers of the Draft EIS, Supplemental EIS, and Final EIS. Please see Attachment 1 for the template language and placement of total estimated costs on EIS cover pages.
2. No later than 30 days after the publication or issuance of the final Agency decision or action on the project, the Lead Bureau or Office shall total its estimated environmental review costs and upload them into the Database.

Judicial Review

This guidance establishes internal Department guidelines only. It does not create any rights, substantive or procedural, legally enforceable by any party.

⁵ Work Breakdown Structure (WBS) coding may be used for applicable proposed actions, even if costs accrue across budget cycles. These codes can be used in the Department's time and attendance tracking system, QuickTime; travel approval and voucher system, Concur; and financial systems, including Federal Business Management Systems (FBMS) to assist with the calculation of authorization and environmental review costs associated with each project.

Attachment 1 – Example EIS Cover Page

DRAFT ENVIRONMENTAL IMPACT STATEMENT

**FOR THE PROPOSED HABITAT CONSERVATION PLAN FOR
THE ENDANGERED AMERICAN BURYING BEETLE FOR
AMERICAN ELECTRIC POWER IN OKLAHOMA,
ARKANSAS, AND TEXAS**

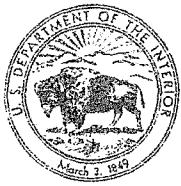
VOLUME I: CHAPTERS 1-7

U.S. Fish and Wildlife Service
Southwest Region
Albuquerque, NM

March 2018

Estimated Lead Agency Total
Costs Associated with Developing
and Producing This EIS

\$274,000



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum

To: Margaret Weichert
Deputy Director for Management
Office of Management and Budget

From: David L. Bernhardt
Deputy Secretary
Department of the Interior

Subject: Waiver for Senior Official Charter Air Travel

JUL 23 2018

A handwritten signature in black ink, appearing to read "David L. Bernhardt".

Given the Administration's commitment to ensure that we are spending taxpayers' resources wisely, the Department of the Interior (Department) respectfully requests approval for senior officials to use charter aircraft for official travel in those instances where commercial travel is limited or does not exist to fulfill our statutory missions.

On September 29, 2017, Director Mulvaney issued Memorandum M-17-32, "Travel on Government-Owned, Rented, Leased, or Chartered Aircraft" (Memorandum) that among other items, provided that "all travel on Government-owned, rented, leased, or chartered aircraft, except space-available travel and travel to meet mission requirements (as those situations are defined in Circular A-126) shall require prior approval from the White House Chief of Staff." In addition, the Memorandum explained that "OMB is also reviewing longstanding guidance pertaining to the use of Government-owned, rented, leased, and chartered aircraft and welcomes any suggestions that would strengthen existing controls."

Recent travel has demonstrated that the apparent lack of a clear and expeditious waiver process for charter travel consistent with M-17-32 is challenging the Department's ability to carry out its mission and actually results in a less efficient utilization of the Department's resources.

Given its land management responsibility of nearly one-fifth of the acreage in the United States, and its offices in nearly 2,400 locations around the United States – many of which are remote and not served regularly or at all by commercial scheduled airlines – the Department has a particular need for flexibility in selecting mission-essential air travel.

For example, in fulfilling its responsibilities to Native Americans, Alaska Natives, and affiliated island communities, travel to far-off and geographically isolated communities not served by commercial airlines is a common mission requirement. Charter aircraft are often the only viable option available to senior officials to meet these representatives from these remote areas. Alaska alone has 229 federally-recognized Tribes, most of whom are not on a road network and are not served by commercial scheduled airlines. In other parts of the United States and U.S. territories, airline routes may operate only once per day or less. Similarly, energy and mineral production

areas are often remote, as are facilities relating to the Department's water and wildlife resource management functions. As a result, the Department, including its most senior officials, has traditionally utilized charter aircraft for its travel, which has reduced the need for maintaining a more costly air fleet of its own.

The Department Has a Robust Charter Air Travel Review and Approval Process

The Department takes its responsibilities as stewards of the public trust very seriously. We have a history of successfully managing charter air travel through a robust set of internal controls. The Department has focused even greater attention on aircraft travel management in response to the Memorandum. The Department carefully evaluates every request for charter air travel. The OMB Circular No. A-76, "Performance of Commercial Activities," (A-76) requires Federal agencies to evaluate the cost of commercial activities they undertake and to determine the most economical way to perform the work. When evaluating a request to transport a senior official, Department bureau scheduling offices compare the costs of charter service to the cost of using Department fleet aircraft or commercial air services. The cost comparisons and written justifications for the proposed travel are reviewed by the Office of the Solicitor. Travel by charter aircraft *must be more cost effective* than other means of transportation in order to be approved, and the approval process is documented, objective, and thorough. The Department compiles information on approved requests and reports as required by A-76.

The Department Has Responsibly Evaluated All Air Transport Alternatives

The Department has also evaluated all air travel options, including the acquisition of Department-owned aircraft. The business case for purchasing new aircraft is substantial to justify. For example, the acquisition cost of a single new light passenger aircraft is nearly \$800,000, and annual operations and maintenance expenses are an additional \$109,500 per year. In contrast, approved Department charter flights are selected from a list of competitively selected, safety-reviewed vendors with known costs that are available to travel to almost any remote location on short notice—a very cost effective approach to senior official mission-related travel to areas not well served by commercial airlines and to meet mission objectives. Attached to this memorandum is a chart providing examples of mission-essential charter aircraft travel to remote locations where such travel is most cost effective alternative.

Request for Pre-Approval Should Be Granted

The Department manages senior official air travel—including charter air travel—responsibly and with Solicitor oversight. There is minimal programmatic risk associated with this requested waiver. The Department respectfully requests that the waiver be granted.

Attachment

Illustrative Examples of Chartered Flight Routes for DOI Senior Officials

The aircraft that DOI schedules for Charter flights (rotary and fixed wing) are on DOI Aircraft contracts and can be reviewed at: <https://www.doi.gov/aviation/aqd/contracts>. Vendors compete through a competitive process and aircraft and pilots receive Office of Aviation Services cards for the missions they are approved to fly. They are available on an On-Call Basis.

The table below provides examples of senior officials' charter flight routes in remote areas.

Travel Date(s)	Flight Origin	En Route Location(s)	Flight Destination
30-Jun-2014	Lihue, HI	N/A	Ni'ihiu, HI
25-Sept-2014 26-Sept-2014	Boise, ID	Lakeview, OR Window Rock, AZ Page, AZ	Phoenix, AZ
16-Feb-2015	Kotzebue, AK	Kivalina, AK	Kotzebue, AK
25-Sep-2015	Bethel, AK	N/A	Aniak, AK
1-Aug-2016	Barrow, AK	N/A	Deadhorse, AK
5-Aug-2016	Fairbanks, AK	Galena, AK Red Devil, AK	Anchorage, AK
25-Aug-2016	Bakersfield, CA	Kalispell, MT	Livingston, MT
4-April-2017 5-April-2017	Boulder City, NV	Laughlin, NV Lake Mead National Recreation Area Glen Canyon National Recreation Area, Page, AZ	Boulder City, NV
27-May-2017	Deadhorse, AK	Alpine, AK	Fairbanks, AK
31-Mar-2017	St. Croix, USVI	St. Thomas, USVI	St. Croix, USVI
24-Jan-18	Anchorage, AK	N/A	Kaktovik, AK
3-May-18	Grand Canyon NP Helibase	N/A	Havasupai, AZ